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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,004	03/26/2004	Michael Donald Bender	2003-0124.02	7751

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LEXMARK INTERNATIONAL, INC.  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
740 WEST NEW CIRCLE ROAD  
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LEXINGTON, KY 40550-0999

EXAMINER
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TRAN, DOUGLAS Q

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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02/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,004	<b>Applicant(s)</b> BENDER ET AL.	
	<b>Examiner</b> Douglas Q. Tran	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-101 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**DOUGLAS Q. TRAN**  
**PRIMARY EXAMINER**

*Douglas Q. Tran*

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/06/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Election/Restriction***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

A. Group of steps of **determining flag without setting flag**:

- I. Claims 10-14, are drawn to constructing a display list object, characterized by **determining a (only) flag** corresponding to the object.
- II. Claims 15-18, are drawn to constructing a display list object, characterized by **determining a plurality of flags** corresponding to the object the plurality of band display lists.
- III. Claims 35-41, are drawn to constructing a band display list, characterized by **determining a flag** corresponding to the band display lists.

B. Group of steps of **setting flag without determining flag**:

- IV. Claim 19, are drawn to constructing the object and band display list, characterized by **setting a plurality of flags** according to each of the object and band.
- V. Claims 20-25, are drawn to constructing an object and band, characterized by **setting a (only) flag** corresponding to one of object and band.
- VI. Claim 70, are drawn to constructing an object and band, characterized by **setting a (only) flag** corresponding to whether **any math function** associated with any of the ink attributes.

C. Group of steps of **no setting flag and determining flag**:

- VII. Claims 42-51, are drawn to constructing **a contone page**, characterized by blending color information of the objects.

VIII. Claims 52-60, are drawn to constructing a **contone band**, characterized by blended color information of overlapping pixels

D. Group of steps of **determining of math or logic function**:

IX. Claims 1-9, 27-34 and 61-69, are draw to constructing a display list **object** for a to be printed **object**, characterized by **determining math or logic function** corresponding object requires a hard processing operation.

X. Claims 27-34, are draw to constructing a **band** display list, characterized by **determining math or logic function** corresponding to the **band** display list requires a hard processing operation.

XI. Claim 26, are draw to constructing a display list **object** for **all of objects**, characterized by **determining math or logic function** corresponding object requires a hard processing operation.

XII. Claims 71-87, are draw to a method for processing a PDL print job, characterized by **determining a math or logic function** specified by **PDL** print job.

XIII. Claims 88-100, are draw to a method for processing a PCL print job, characterized by **determining a math or logic function** specified by **PCL** print job.

XIV. Claim 101, are draw to a method for processing a PDF print job, characterized by **determining a math or logic function** specified by **PDF** print job.

The inventions are distinct, each from the other because of the following reasons:

Inventions I to XIV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if at least one subcombination is separately usable. In the instant case, each invention has separate utility such as operating either independently or in combination with other subcombinations according to the particular claimed limitations which characterize the invention, without requiring the particular limitations which characterize the other invention(s), as indicated above. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above, requiring separate consideration and search, restriction for examination purposes as indicated is proper.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 of the other inventions.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (571) 272-7442. The Examiner can normally be reached on 8:30AM-5:00PM.


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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The Fax phone number for the organization where this application or processing is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Feb. 14, 2008



**DOUGLAS Q. TRAN**  
**PRIMARY EXAMINER**